



Admissibility of the 1954 "Denny Plan" to improve NBC's competitive position is argued before Chief FCC Hearing Examiner James D. Cunningham in the NBC-Philco Broadcasting Corp. hearing last week. The examiner looks over the 32-page document as NBC attorney Irving Segal (standing l) argues against its acceptance as evidence.

Philco attorney Henry Weaver (standing with back to camera) offered the document authored by Charles R. Denny (seated r), former NBC vice president who waits in the witness stand. Mr. Cunningham rejected a major portion of the document as not relevant to NBC's acquisition of ch. 3 (WRCV-TV) Philadelphia.

tions and if so whether it reflects adversely on NBC's character qualifications.

Testimony also has been completed on issues to determine whether NBC-RKO and/or Ford Motor Co. (Philco's parent) and Philco Corp. have engaged in anti-competitive practices since Jan. 1, 1954. Oral argument was held last Friday (Dec. 21) on this subject and the examiner will rule later whether either party has made a *prima facie* case against the other on the antitrust issue. If so, the examiner will take testimony on the subject which pre-dates 1954.

Another issue was disposed of last week when RKO-General announced that it has sold the 12½% it owned in KWTW (TV) Oklahoma City through subsidiary Triarke Ltd. This issue was added because RKO owns four U. S. vhf stations (WNAC-TV, WOR-TV New York, KHJ-TV Los Angeles and WHBQ-TV Memphis) and controls CKLW-TV Windsor, Ont. - Detroit. RKO's interest (250 shares) in KWTW was purchased in equal amounts by the station's president, Roy J. Turner (present 12½% owner), former governor of Oklahoma, and Luther T. Dulaney (12½%) for a total of \$725,000. The sale will give Messrs. Turner and Dulaney 18¾% each interest in KWTW, the John T. Griffin interests retaining the largest block of stock, 50%.

Beginning next week, the hearing will turn to the comparative issues between

Philco and NBC in their mutually exclusive applications for ch. 3—Philco for a new station and NBC for license renewal at WRCV-TV. NBC will present its case first, starting Jan. 2, with

testimony from NBC Board Chairman Robert Sarnoff, President Robert Kintner, RCA President Elmer Engstrom, and WRCV-TV General Manager Raymond Welpott.

## Witness excused in ch. 10 rehearing

### WSUN-AM-TV TRIES TO SHOW WLCY PROGRAM FLAWS

Futile efforts to define "rock 'n roll" music on the record of an FCC hearing and failure to obtain a "hostile witness" last week characterized a continuing probe of WLCY Tampa-St. Petersburg radio program changes in 1959-60.

The City of St. Petersburg tried to show that WLCY, which is owned by principals of WTSP-TV Inc., dropped many of the public service programs WTSP-TV Inc. offered as proposed programming for a 1959 ch. 10 St. Petersburg hearing, and that the station became "rock 'n roll" with a "top 40" format early in 1960.

The ch. 10 hearing ended in November 1959. Later WTSP-TV Inc. was awarded the assignment over five losing applicants including the City of St. Petersburg (WSUN-AM-TV), but the grant was stayed by the FCC (BROADCASTING, July 2). The commission ordered the ch. 10 hearing record reopened to examine grantee character qualifications and the nature of WLCY programming after the initial hearing.

'Better Service' ■ WLCY contends its

programming changes were intended to better serve Tampa and outlying St. Petersburg areas and that replacement public service programs adequately make up for those dropped in the 1960 format change (BROADCASTING, Dec. 17).

The City was rebuffed in its effort to call as a "hostile witness" Harry R. Wagner, proposed as WTSP-TV Inc. program director. Harold E. Mott, WTSP-TV Inc. counsel, refused to allow Mr. Wagner to appear without proper subpoena and urged him to leave the hearing room, catch a plane and return to Florida immediately.

City counsel objected and said Mr. Wagner was a material witness and should testify then. Hearing Examiner Millard F. French ruled Mr. Wagner could not be required to appear for City without subpoena.

Irwin S. Brown, WLCY news director from July through December 1959 and presently holding the same position with WSUN-AM-TV, described his former employer's locally originated